IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 14034 of 2004

Between:

M.S. Murthy S/o Guru Peddanna
R/o H. NO. 13/57, Kasapuram Road, Siva Reddy Street,
Guntakal, Anantapur District

..... PETITIONER

AND

1 The APSRTC., rep by Regional Manager, Anantapur Region,
Anantapur District
2 The Depot Manager, APSRTC., Kadiri Bus Depot, Kadiri,
Anantapur District
3 The Depot Manager, APSRTC., Guntakal Anantapur district

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, preferably one in the nature of Writ of Mandamus, directing the respondents to continue the petitioner in present place of work i.e. Guntakal Bus Depot of Anantapur Division While directing the respondents not to initiate any disciplinary proceedings against the petitioner in pursuance of the Proceedings NO. P2/813 (1)/2004-KDR, dated 23-7-2004 passed by 2nd respondent

Counsel for the Petitioner : MR.M.GANGA RAO

Counsel for the Respondents : MR.P.VINAYAKA SWAMY,

S.C. For A.P.S.R.T.C.

The Court made the following ORDER:

The petitioner is working as a Conductor in A.P.S.R.T.C. The allegation against the petitioner is that when he was transferred from Guntakal to Kadiri and relieved from Kadiri, instead of reporting to duty at Guntakal, he applied for sick leave. The sick leave was not accepted by the concerned authority and he was directed to appear before the A.P.S.R.T.C Hospital, Taranaka for assessment of the genuineness of his sickness. But, he did not attend the office of the third respondent at Guntakal till date. Therefore, the third respondent issued a notice to the petitioner on 23.07.2004 mentioning that if the petitioner fails to attend the office on 28.07.2004, the period of his absence from the date of the relief will be treated as unauthorized absence and his case will be recommended for disciplinary action to the competent authority. The petitioner being aggrieved by the said notice approached this Court seeking writ of *mandamus* to direct the respondents not to initiate disciplinary action against him in pursuance of the proceedings dated 23.07.2004.

The petitioner being an employee under the control of the third respondent is bound to report on transfer, so long as it is in force. If there is any inconvenience, he has to make an application and convince the concerned authority either to cancel the transfer order or to retransfer him. There is no illegality in the impugned notice and writ petition cannot be maintained.

The learned counsel for the petitioner further submitted that the petitioner was transferred from Hindupur Division to Anantapur Division by orders dated 15.06.1995 of the second respondent. The second respondent is not competent to effect such transfer, therefore, the transfer order is liable to be cancelled. The first respondent-Regional Manager, who has supervisory jurisdiction over both the divisions, is competent to effect the transfer. If the petitioner has any inconvenience, he may make an application to the first respondent and the first respondent may after presentation of such application by the petitioner consider the inconvenience, if any, expressed by the petitioner and pass appropriate orders on the said application within two weeks from the date of presentation of the application.

Writ petition is accordingly disposed of. No order as to costs.

Dr. G.YETHIRAJULU,J

Va/klp

To

1 The APSRTC., rep by Regional Manager, Anantapur Region, Anantapur District
2 The Depot Manager, APSRTC., Kadiri Bus Depot, Kadiri, Anantapur District
3 The Depot Manager, APSRTC., Guntakal Anantapur district

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